

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

CLASSIC SPA & TUB CO.,  
NATIONWIDE MUTUAL INSURANCE  
COMPANY, and AMCO INSURANCE  
COMPANY,

Plaintiffs,

vs.

GREE USA, INC., and MJC AMERICA,  
LTD.,

Defendants.

**4:24CV3010**

**ORDER**

This matter is before the Court on Plaintiffs' motion to amend the final progression order. [Filing No. 43](#). Defendant opposes the motion as set forth in its response. [Filing No. 44](#).

The Court is familiar with the difficulties associated with scheduling depositions in this case having conducted multiple telephone conferences on the issue. See Filing Nos. 27, 32, 37. Accordingly, the Court finds good cause exists to modify the Final Progression order. See Fed. R. Civ. Proc. 16(b)(4).

IT IS ORDERED:

1. Plaintiff's motion to amend the final progression order, [Filing No. 43](#), is granted. The Final Progression Order, [Filing No. 21](#), is amended as follows:
  - a. The trial and pretrial conference will not be set at this time. The status conference to discuss case progression, the parties' interest in settlement,

and the trial and pretrial conference settings scheduled with the undersigned magistrate judge on September 10, 2024 is **continued** to **October 21, 2024 at 9:30 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.

- b. The deadlines for complete expert disclosures for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff(s): August 30, 2024.

For the defendant(s): October 4, 2024.

- c. The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is October 18, 2024.
- d. The deadline for filing motions to dismiss and motions for summary judgment is November 18, 2024.
- e. The deadline for filing motions to exclude testimony on *Daubert* and related grounds is October 18, 2024.
- f. Motions in limine shall be filed twenty-eight days before trial. It is not the normal practice to hold hearings on motions in limine or to rule on them prior to the first day of trial. Counsel should plan accordingly.
- g. The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- h. All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge, including all requests for changes of trial dates. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 12th day of August, 2024.

BY THE COURT:

s/ Jacqueline M. DeLuca

United States Magistrate Judge